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20231 ON November 15, 1999



Rupert B. Hurley Jr.
Rupert B. Hurley Jr.
Registration No. 29,313

November 15, 1999
DATE

#10
C. Green
11/30/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : K. Ahlgren et al.

Group Art Unit: 1773

Serial No : 08/996,367

Examiner D. Tarazano

Filed : December 22, 1997

NEW Attorney Docket No.: D-41939-09

For : HEAT SHRINKABLE FILMS CONTAINING SINGLE SITE CATALYZED
COPOLYMERS

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR §1.56 and in accordance with 37 CFR §1.97 et. seq., Applicants, through and by their attorneys, hereby direct the Examiner's attention to the documents enclosed and to the attached Appendix A, which provides additional information concerning the attached documents. Appendix A provides additional information regarding items 75 and 76 of the IDS filed 20 February 1998. Appendix A was already made of record in parent USSN 08/418,926 in an IDS filed therein on July 7, 1995. However, additional copies of items 75 and 76 are provided herewith, for the Examiner's convenience.

A filled-in form listing the enclosed U.S. Patent is presented herewith for the Examiner's review and convenience. A Copy of the listed documents is enclosed.

By inclusion of any given document in this Information Disclosure Statement, Applicants in no way admit that such document is effective as prior art against the above-identified application under either 35 USC §102 or 35 USC §103.

The Examiner is requested to independently review these cited documents for their relevance to the present case.

41939-09.IDS.doc

Although no fee is believed to be due, Applicants authorize the Commissioner to charge any fee deemed to be due to Deposit Account No. 07-1765.

Cryovac, Inc.
P.O. Box 464
Duncan, SC 29334
(864) 433-3247

Respectfully submitted,



Rupert B. Hurley Jr.
Attorney for Applicants

Registration No. 29,313

DATE: Nov 15, 1999



APPENDIX A

Applicant directs the Examiner's attention to the attached RD&E Development Order Form, bearing a "Ship Date Assigned" of April 10, 1990, and a document entitled "Duncan Customer Service", bearing an "Ordered Date" of April 10, 1990. These two documents pertain to the sale of a film product from Applicant's assignee, W.R. Grace & Co. - CONN, to H.E. Butt Grocery Co. in San Antonio, Texas. The documents describe an event which involved the sale of about 1800 pounds of a multilayer barrier film containing a linear homogeneous ethylene/alpha-olefin copolymer in the seal layer.

The seal layer comprised the linear homogeneous ethylene/alpha-olefin copolymer in an amount of about 95 weight percent, based on the weight of the seal layer. The seal layer further comprised about 5 weight percent of an antiblock masterbatch, which comprised low density polyethylene in an amount of about 90 weight percent, based on the weight of the masterbatch.

The homogeneous ethylene/alpha-olefin copolymer was obtained from the Exxon Chemical Company, of Baytown Texas, and was identified as SLP-1-288 resin, a polymeric resin which, based on information and belief, comprised a linear polymer produced via metallocene-catalysis and which had a density of about 0.912 and a melt index of 3.5-4.5.

The barrier layer of the multilayer film comprised ethylene/vinyl alcohol copolymer, commonly referred to as "EVOH". The multilayer film also contained layers which comprised ethylene/vinyl acetate copolymer, and an outer abuse layer comprising high density polyethylene. Several of the film layers comprised ionomeric polymer, more specifically, sodium neutralized methacrylic acid. The multilayer film also contained a plurality of adhesive layers which contained anhydride-modified linear low density polyethylene.

The film had a thickness of about 6 mils, and is believed to have been used by the customer to package products using a vacuum skin packaging operation, which includes a thermoforming step. Following the packaging of certain meat products, the resulting packaged product was supposedly cooked in the package, i.e., underwent "cook-in".

Applicant requests that the above-described information be considered in the examination of the instant application, and that in the next Office Action the Examiner provide written acknowledgement of his/her review and consideration of the above two documents, together with this Appendix to the Information Disclosure Statement.

0-4410

RD&E DEVELOPMENT ORDER FORM

DISTRIBUTION

RD&E SERVICE REP. Sandy Blackman 38990
PROJECT ENGINEER Solomon Betke
APPLICATIONS
PRODUCT LINE MGR
(NEW ORDER ONLY)
ASSIGNED TO
CUSTOMER SERVICE Jul Carter

NO. 0-4410
Date 3-28
APPROVED BY:
1. Proc. Dev.
2. Appl. Mgr.
(EDO ONLY)

TO BE COMPLETED BY ORIGINATOR	
or Printed Materials	Mat Number <u>4410</u> New Art Work
or Coated Materials	Coating <input type="checkbox"/> Inside <input type="checkbox"/> Outside Sealant <input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
Machine <u>US44</u>	Web <input type="checkbox"/> Forming <input type="checkbox"/> Non Forming
Ship Date Requested <u>3304</u>	QTY <u>10</u>
Film Type <u>LDX</u>	WIDTH/LENGTH <u>18 3/8 x 1500</u>
Circle One of Dv SW Cf Bag Tube	GA <u>6 mil</u>
Circle One Plain Print	CORE <u>6"</u>
Circle One Coated Uncoated	FOOTAGE <u>1500</u>
Customer P.O. <u>MPFPR24</u>	NOTES
Film-Bag Status EDO <input type="checkbox"/> PDU <input type="checkbox"/>	
PRICE <u>277.90</u>	

TO BE COMPLETED BY PROJECT ENGINEER

Ship Date Assigned <u>04-10-90</u>	EST. PROD. TIME REQ.
Refit: <u>6-7749</u>	Dept. <u>122</u> No. <u>Project 4440</u>
Unit Price <u>\$270/roll</u>	EXT
Total Imps	PRT
Imps per Roll	COAT
Pounds	LAM
	SLIT/CF
	BAGGING

TO BE COMPLETED ON EDO MATERIALS ONLY

Product Description	HF Code
Ship Lead Time	Selling Price Est.
Restrictions	

COMPLETION DATE

SHIPPED FROM Duncan

BILL TO HEB

13603

SHIP TO 1/P

969

RODA 1831506

PC 20

DUNCAN CUSTOMER SERVICE

CRYOVAC

PACKING INFORMATION 1-1-1990
MOD 433-2000

CUSTOMER SERVICE COPY

A DIVISION OF W.R. GRACE & CO.-CONN DUNCAN S.C. 29334-0464

PLEASE REMIT TO DEPT #0404, DALLAS, TEXAS 75284-0404

PAGE 01

13603 185
H E BUTT GROCERY CO
ATTN MEAT PLANT
4710 N PAN AM EXP
P O BOX 18020
SAN ANTONIO TX 78218-0200

CUSTOMER ORDER NO
MPFPK241

INVOICE NO
02496A

ORDERED DATE
04/10/1990

INVOICE DATE
05/21/1990

TERMS

13 10 NET 30

IOWA PARK, TEXAS

PRE-PAID TERMS

DATE SHIPPED

PREPAID

05/18/1990

SHIPPED VIA

MERCHANTS IT 6413 COMFA25 688168

PRODUCT#: 9W947
DESC: PLAIN
SALES-TYPE: LDX3204 GAUGE: STD
SIZE: 18 3/8 X 1500
MATERIAL: LAMINATE
ROLL

ORDERED:
SHIPPED:

20
22

BEST
277.90

6,113.80

THE MATERIAL CONTAINED HEREIN IS A
RD&E TEST MATERIAL FROM THE CRYOVAC
DIVISION, W. R. GRACE & CO. NO
COMMITMENT IS MADE BY SELLER TO
SUPPLY ADDITIONAL QUANTITIES OF THE
SAME OR SIMILAR PRODUCTS.

RELEASE ORDER 05/18/1990

CTNS	22	LBS	1795	TRUCK	
CTNS	0	LBS	0	OTHER	6,113.80

ALL TERMS OF YOUR PURCHASE ORDER ARE SPECIFICALLY REJECTED UNLESS AGREED TO IN WRITING. THE ENTIRE CONTRACT IS AS STATED ON THE
FACE AND BACK HEREOF. Our liability shall be limited as stated in conditions 14 and 15 on the back hereof. WE SHALL IN NO EVENT BE LIABLE
FOR SPECIAL INCIDENTAL, INDIRECT, CONSEQUENTIAL OR PUNAL DAMAGES WHETHER FOR CONTRACT OR NON-CONTRACT BREACH.

3